

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

IN RE: OLD RIVER MUTUAL WATER COMPANY  
Water System No. 1500096

TO: Ms. Taryn Rickel  
Old River Mutual Water Company  
6734 Charity Ave., Bay #8  
Bakersfield, CA 93308

CITATION FOR NONCOMPLIANCE  
WITH THE  
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL  
May, June and July 2013

Issued on October 23, 2013

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder. The applicable statutes and regulations pertaining to this citation are summarized in Appendix A.

**DETERMINATION**

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (hereinafter 'Department') has determined that Old River Mututal Water Company (hereinafter 'Water System') failed to comply with Section 116555 of the CHSC, Sections 64426.1 and 64430 of Title 22, California Code of Regulations (CCR).



1 Specifically, the Water System (physical address: 9800 Old River Road, Old River, CA  
2 93311) failed to comply with the Total Coliform Maximum Contaminant Level (MCL) for  
3 the month of May, June and July 2013 and the Groundwater Rule for the month of May and  
4 June 2013.

5  
6 **STATEMENT OF FACTS**

7 The Water System is a community water system serving a residential population of  
8 approximately sixty (60) persons through nineteen (19) service connections. The Water  
9 System has one (1) active source of supply; Well No. 01. The water delivered from the  
10 well is not provided with any type of treatment. The Water Company currently operates  
11 under a water supply permit issued by the Kern County Department of Community Health  
12 on August 6, 1951. In July 1993 the Kern County Department of Community Health  
13 transferred the jurisdictional regulatory oversight for this water system to the Department.

14  
15 The Water System is required to collect a minimum of one (1) distribution system  
16 bacteriological samples per month. The bacteriological water analysis results submitted by  
17 the Water System reported the presence of total coliform bacteria in one (1) of one (1)  
18 sample collected by the Water System in May 2013 and June 2013. Furthermore, the  
19 bacteriological analysis from the month of July 2013 showed the presence of total coliform  
20 bacteria in five (5) of seven (7) samples collected in July 2013. Three (3) of the positive  
21 samples also showed the presence of *E. coli* bacteria.

22  
23 Due to the above-mentioned total coliform and *E. coli* bacteria positive samples, the Water  
24 System failed the total coliform MCL for the month of July 2013 and did not comply with  
25 the monitoring and reporting requirements for May and June 2013. All water samples for  
26 coliform bacteria collected during May, June and July 2013 are summarized in Appendix B.  
27 A detailed description of the events surrounding this failure are included in Appendix C.



1 **DIRECTIVES**

2 The Water System is hereby directed to take the following actions:

- 3
- 4 1. Comply with Section 64426.1, Title 22 of the California Code of Regulations in all
- 5 future monitoring periods.
- 6
- 7 2. Due to the bacteriological contamination surrounding the well and distribution
- 8 system, the Water System shall conduct monthly bacteriological sampling of the raw
- 9 well water for coliform bacteria. The samples shall be analyzed for total and fecal
- 10 coliform or E.coli bacteria using a density analytical method with the analytical
- 11 results reported in MPN/100 ml. The results of all samples shall be submitted to the
- 12 Department by the 10<sup>th</sup> day of the following month.
- 13
- 14 3. By **November 30, 2013**, continuous chlorination equipment shall be installed on the
- 15 discharge of Well No. 01. A chlorine residual of at least 1.0 mg/l shall be
- 16 maintained in all areas of the distribution system at all times. Information regarding
- 17 the permanent chlorination equipment and installation procedures shall be submitted
- 18 to the Department for review and approval prior to installation. The installation
- 19 shall be conducted by a person qualified and experienced with chlorination
- 20 equipment.
- 21
- 22 4. By **November 10, 2013**, the Water System shall make application to the Department
- 23 for a permit to allow the continuous chlorination of the water supply. Form EH 100
- 24 (copy enclosed) shall be used to make application. A permit fee of \$258 shall be
- 25 included at the time the application is submitted to the Department.
- 26
- 27



- 1 5. The Water System shall have on staff or under contract a minimum of a D1  
2 Certified Distribution Operator to operate the chlorination equipment.  
3 Documentation of the certification of the operator shall be provided to the  
4 Department by **November 30, 2013**. The operator shall visit the well site and  
5 review the chlorination treatment on at least a weekly basis and document the date  
6 and time of the visit, the settings on the chemical feed equipment, the chlorine stock  
7 on hand and the chlorine residual at the well site and in the farthest part of the  
8 distribution system. Documentation of the site visits shall be submitted to the  
9 Department by the 10th day of the following month.  
10  
11 6. The chlorine residual shall be measured at the time and location of the collection of  
12 the monthly distribution system bacteriological samples. This residual shall be  
13 provided to the Department on the laboratory analysis report.  
14  
15 7. Notify all persons served by the Water System of the TCR MCL violation by  
16 utilizing the Tier 1 Public Notice for violations of Section 64426.1. Public notice  
17 shall be given pursuant to Sections 64463.4 [lists method, time-frame and delivery]  
18 and 64465 [content & format]. A Tier 1 Public Notice is appended as Appendix E  
19 and includes the mandatory health effects language for a total coliform MCL failure.  
20  
21 8. Until the Department determines that the contamination has been abated based on a  
22 review of the analytical bacteriological data on file and the installation of continuous  
23 chlorination equipment on the discharge of the well, the Water System shall  
24 continue to distribute the Department-approved Boil Water Order (Appendix E) to  
25 all consumers in accordance with CCR Section 64463. Notification to the public  
26 shall be **repeated every three months as long as the violation exists**. Proof of  
27 public notification (Appendix F) to all water system users shall continue to be



1 provided to the Department following each quarterly notification by the 10<sup>th</sup> day of  
2 the month following notification.  
3

4 9. The Water System shall collect repeat samples as required by Section 64424 and as  
5 discussed in this Citation whenever a routine sample is positive for total coliform  
6 bacteria.  
7

8 10. Whenever the Water System has one or more total coliform-positive samples in a  
9 given month, at least five (5) routine samples shall be collected the following month  
10 as required by Section 64424(d) and as discussed in this Citation.  
11

12 The Department reserves the right to make such modifications to the Citation as it may  
13 deem necessary to protect public health and safety. Such modifications may be issued as  
14 amendments to this Citation and shall be effective upon issuance.  
15

16 Nothing in this Citation relieves the Water System of its obligation to meet the requirements  
17 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4,  
18 commencing with Section 116270, or any regulation, standard, permit or order issued  
19 thereunder.  
20

21 All submittal required by this Citation shall be submitted to the Department at the following  
22 address:

23 Tricia A. Wathen, Senior Sanitary Engineer  
24 Department of Public Health  
25 Drinking Water Field Operations Branch  
26 265 W. Bullard Avenue, Suite 101  
27 Fresno, CA 93704



1 **PARTIES BOUND**

2 This Citation shall apply to and be binding upon the Old River Mutual Water Company, its  
3 officers, directors, agents, employees, contractors, successors, and assignees.  
4

5 **SEVERABILITY**

6 The directives of this Citation are severable, and the Water System shall comply with each  
7 and every provision thereof notwithstanding the effectiveness of any provision.  
8

9 **FURTHER ENFORCEMENT ACTION**

10 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California  
11 Health and Safety Code authorizes the Department to: issue additional citations with  
12 assessment of penalties if the Water System continues to fail to correct a violation identified  
13 in a citation; take action to suspend or revoke a permit that has been issued to a public water  
14 system if the Water System has violated applicable law or regulations or has failed to  
15 comply with orders of the Department; and petition the superior court to take various  
16 enforcement measures against a public water system that has failed to comply with orders  
17 of the Department. The Department does not waive any further enforcement action by  
18 issuance of this citation.  
19

20 October 23, 2013

21 Date

Tricia A. Wathen

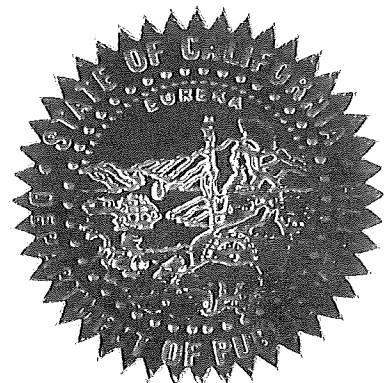
Tricia A. Wathen, P.E.  
Senior Sanitary Engineer, Visalia District  
DRINKING WATER FIELD OPERATIONS BRANCH

22 TW/LR

23 Attachments:

24 Appendix A: Applicable Statutes and Regulations  
25 Appendix B: Distribution & Source Bacteriological Reports  
26 Appendix C: Statement of Facts  
27 Appendix D: Citation 03-19-12C-044 for 2011  
Appendix E: Public Notice Template  
Appendix F: Proof of Notification Form  
Appendix H: Form EH 100

03-12-13C-016-1500096-23 TCRMCL July-2013 Cit ID 10-23-13



## **APPENDIX A**

### **Applicable Statutes and Regulations for Citation No. 03-12-13C-016**

#### **Section 116555 of the CHSC states in relevant part:**

§116555. Operational requirements.

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
  - (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.
  - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

#### **Section 116650 of the CHSC states in relevant part:**

§116650. Citations

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

#### **Section 64424 of Title 22, California Code of Regulations (CCR) states in relevant part:**

§64424. Repeat Sampling.

- (a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.
  - (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.
  - (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within

24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

- (b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.
- (c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in §64426.1 has been exceeded and notifies the Department.
- (d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:
  - (1) The Department conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
  - (2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with §64426.1.

**Section 64426.1 of Title 22, California Code of Regulations (CCR) states in relevant part:**

**§64426.1. Total Coliform Maximum Contaminant Level (MCL).**

- (a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in §64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.
- (b) A public water system is in violation of the total coliform MCL when any of the following occurs:
  - (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or



- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
  - (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
  - (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.

**Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:**

§64463.4. Tier 2 Public Notice.

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

- (A) Where a Tier 1 public notice is required under section 64463.1; or
- (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

....

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

- .....
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
    - (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
      - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
      - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
        - 1. Publication in a local newspaper;
        - 2. Posting in conspicuous public places served by the water system, or on the Internet; or
        - 3. Delivery to community organizations.
    - (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
      - (A) Posting in conspicuous locations throughout the area served by the water system; and
      - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
        - 1. Publication in a local newspaper or newsletter distributed to customers;
        - 2. E-mail message to employees or students;
        - 3. Posting on the Internet or intranet; or
        - 4. Direct delivery to each customer.

**Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:**

**§64465. Public Notice Content and Format.**

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
  - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
  - (2) The date(s) of the violation or occurrence;
  - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
  - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
  - (5) Whether alternative water supplies should be used;
  - (6) What actions consumers should take, including when they should seek medical help, if known;
  - (7) What the water system is doing to correct the violation or occurrence;
  - (8) When the water system expects to return to compliance or resolve the occurrence;

- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*'did not monitor or test' or 'did not complete all monitoring or testing'*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

.....

- (c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
  - (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
  - (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.
- (d) Each public notice given pursuant to this article shall:
  - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
  - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
  - (3) Not contain language that minimizes or contradicts the information being given in the public notice.



# Bacteriological Distribution Monitoring Report

**1500096 Old River MWC**
**Distribution System Freq: 1/M**

Sample Date	Location	T Coli	E Coli	F Coli	HPC	Type	CI2	CI2 Avg	Viol. Type	GWR Satisfied?	Comments
1/17/2013	1ROU	A	A			Routine					
2/12/2013	2ROU	A	A			Routine					
3/28/2013	3ROU-9721 Par	A	A			Routine					
4/16/2013	4ROU-9713 Par	A	A			Routine					
5/14/2013	5ROU-9801 Par	P	A			Routine					Under a BWO since surr of 2011, citation issued 12/14/12.
6/4/2013	1ROU-9800 Old River	P	A			Routine			MR8		Under a BWO since surr of 2011, citation issued 12/14/12.
7/2/2013	1ROU-9800 Old River	P	P			Routine			MR8		Under a BWO since surr of 2011, citation issued 12/14/12. CO to be issue Sept 2013
7/5/2013	9804 Par	7.5	<1			Repeat					
7/5/2013	9844 Old River	<1	<1			Repeat					
7/5/2013	1ROU-9800 Old river	83	<1			Repeat					
7/8/2013	9844 Old River	<1.1	<1.1			Repeat					
7/8/2013	9800 Old River	3.6	1.1			Repeat					
7/8/2013	9804 Par	2.2	1.1			Repeat			MR8		Under a BWO. Needs citation?
8/27/2013	3ROU-9721 Par	A	A			Routine					Under a BWO. Needs citation?

## Violation Key

MCL	Exceeds the maximum contaminant level	MR5	Incorrect number of repeat samples as follow-up to a positive sample
MR1	No monthly sample for the report month	MR6	No source sample
MR2	No quarterly sample for the report month	MR7	No summary report submitted
MR3	Incorrect number of routine samples for the report month	MR8	Other comments and/or info
MR4	Did not collect 5 routine samples for previous month's positive sample	MR9	CI2 not reported

# Source Bacteriological Monitoring Report

**1500096 Old River MWC**

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>Sample Type</i>	<i>Test Method</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>HPC</i>	<i>Violation</i>	<i>Comments</i>
7/5/2013	11:06	Well	Well	MPN	5.3	<1				
7/8/2013	14:55	Well	Well	MPN	3.6	<1.1				

## APPENDIX C

### Statement of Facts for Citation No. 03-12-13C-016

The Water System is a community water system serving a residential population of approximately sixty (60) persons through nineteen (19) service connections. The Water System has one (1) active source of supply; Well No. 01. The water delivered from the well is not provided with any type of treatment. The Water Company currently operates under a water supply permit issued by the Kern County Department of Community Health on August 6, 1951. In July 1993 the Kern County Department of Community Health transferred the jurisdictional regulatory oversight for this water system to the Department.

The Water System is required to collect a minimum of one (1) distribution system bacteriological samples per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in one (1) of one (1) sample collected by the Water System in May 2013 and June 2013. Furthermore, the bacteriological analysis from the month of July 2013 showed the presence of total coliform bacteria in five (5) of seven (7) samples collected in July 2013. Three (3) of the positive samples also showed the presence of *E. coli* bacteria.

Due to the above-mentioned total coliform positive samples, the Water System failed the total coliform MCL for the month of July 2013 and did not comply with the monitoring and reporting requirements for May and June 2013. All water samples for coliform bacteria collected during May, June and July 2013 are summarized in Appendix B.

- One (1) routine bacteriological sample collected from the distribution system on May 14, 2013 showed the presence of total coliform bacteria and no *E. coli* bacteria. The required repeat sampling from the distribution system and the well was not conducted.
- One (1) routine bacteriological sample collected from the distribution system on June 4, 2013 showed the presence of total coliform bacteria and no *E. coli* bacteria. The required repeat sampling from the distribution system and the well was not conducted.
- One (1) routine bacteriological sample collected from the distribution system on July 2, 2013 showed the presence of total coliform bacteria and *E. coli* bacteria. A set of three (3) repeat samples was collected on July 5, 2013, two (2) of the samples showed the presence of total coliform bacteria with levels of 7.5 MPN/100ml and 83 MPN/100ml. An additional set of the same repeat samples was collected on July 8, 2013. These samples reported the presence of total coliform bacteria and *E. coli* bacteria in two (2) of the samples with analytical results of 3.6 and 2.2 MPN/100ml for total coliform bacteria and 1.1 MPN/100ml for *E. coli* from both samples.

- The Water System was issued Citation No. 03-19-12C-044 for non-compliance with the Total Coliform MCL for the months of July, August and October 2011, attached as Appendix D. The citation directives included the issuance of a Boil Water Order in response to the presence of *E. coli* bacteria in Well No. 01 from a sample collected on July 28, 2011.
- The Boil Water Order has not been lifted and remains in place. The most recent Boil Water Order was issued on July 5, 2013 for the 2<sup>nd</sup> quarter of 2013. The Department received the proof of notification for this on August 10, 2013.
- The cause of the contamination is unknown since no specific source of contamination has been identified. The five (5) routine samples required the month following a month with one or more total coliform-positive samples were not collected because the Boil Water Order is still effective. The August and September 2013 bacteriological analysis do not show the presence of total coliform bacteria.
- The Groundwater Rule (GWR) requires the collection of a sample for bacteriological evaluation from the well(s) serving the system in response to a coliform-positive distribution sample within 24 hours of being notified of the coliform-positive result. Based on data submitted to the Department, the District did not collect their raw water well samples in a timely manner in follow-up to the total coliform-positive routine samples collected in May and June of 2013. Bacteriological sampling of the well was conducted in July of 2013. Two (2) samples were collected and the results did show the presence of total coliform bacteria in both samples, no *E.coli* was detected.



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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:      **Old River Mutual Water Company**  
              Water System No. 1500096

TO:           C.J. Howell, Board Member  
              Old River Mutual Water Company  
              C/O McMor Chlorination, Inc.  
              6734 Charity Avenue, Bay #8  
              Bakersfield, CA 93308

**BY REGISTERED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1500096  
TOTAL COLIFORM MCL VIOLATION -- July, August and October 2011  
Citation No. 03-19-12C-044**

**Issued on December 14, 2012**

**STATEMENT OF FACTS**

Old River Mutual Water Company (hereinafter Water Company) water system is classified as a community water system and serves a population of approximately 60 persons through 22 service connections. The Water Company has one active source of supply, Well 01 (PS Code: 1500096-001) and one 2000-gallon pressure tank. No treatment is currently provided to the well water. The Water Company operates under the authority of a domestic water supply permit No. 96 issued on August 9, 1951, by the California Department of Public Health.

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public

1 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
2 Water Act and regulations promulgated pursuant thereto.

- 3
- 4 • The Water Company is required to collect one routine bacteriological sample  
5 per month. Please refer to the Water Company's approved Bacteriological  
6 Sample Siting Plan (BSSP) or Table 64423-A.
- 7 • One (1) routine bacteriological quality sample collected from the distribution  
8 system on July 26, 2011, tested positive for total coliform bacteria.
- 9 • Only one (1) repeat bacteriological quality sample was collected from the  
10 distribution system on July 28, 2011, and it tested positive for total coliform  
11 bacteria.
- 12 • **The Water Company did not collect the required number of repeat**  
13 **samples in July 2011 [Section 64424(a)(2), *Authorities*].**
- 14 • One (1) repeat source sample collected from Well 01 on July 28, 2011, tested  
15 positive for *E.coli* bacteria.
- 16 • **Old River Mutual Water Company failed the total coliform maximum**  
17 **contaminant level (MCL) for July 2011 [Section 64426.1(b)(2),**  
18 ***Authorities*].**
- 19 • On July 29, 2011, Genie Risner, of McMor Chlorination Inc. (the Water  
20 Company's contract operator, sampler and certified distribution operator),  
21 notified the Department of the bacteriological sampling results of July 28, 2011  
22 samples, and that the Water Company failed the total coliform MCL for July  
23 2011. At that time, the Department was not notified about the results of July  
24 26, 2011, sampling results.
- 25
- 26
- 27

- 1 • On July 29, 2011, the Department issued a Boil Water Notice (BWN) in  
2 response to the *E.coli* positive sample from Well 01. The same notice served  
3 as the public notice for the total coliform MCL failure for July 2011.
- 4 • On July 29, 2011, BWN and Proof of Notification were emailed to the Water  
5 Company for the July 2011, Tier 1 public notification and total coliform MCL  
6 failure.
- 7 • The Department advised the Water Company that two consecutive rounds of  
8 total coliform negative samples would be required from Well 01 and  
9 distribution system in order to cancel the BWN.
- 10 • On July 29, 2011, the Department received a signed and dated copies of the  
11 BWN and Proof of Notification. According to these documents, the BWN was  
12 distributed to the customers on July 29, 2011.
- 13 • On July 29, 2011, an investigation report was emailed to the Water Company  
14 for the July 2011 total coliform MCL failure. The Water Company failed to  
15 complete the investigation report in the time frame specified by the  
16 Department.
- 17 • On December 13, 2012, the Department made a contact with McMor  
18 Chlorination and received a completed copy of the investigation report (dated  
19 August 23, 2011) in response to the July 2011 total coliform MCL failure. The  
20 investigation report was completed by Dennis Gaston from McMor  
21 Chlorination, on behalf of the Water Company. According to the investigation  
22 report, a tractor struck the wellhead, causing a 2-inch by 5-inch gap between  
23 the well casing and surface seal, a possible cause of *E.coli* positive samples  
24 from the well.

- 1 • Three (3) special bacteriological samples collected from the distribution system  
2 on August 2, 2011, tested positive for total coliform bacteria. Of those, one (1)  
3 sample also tested positive for *E.coli* bacteria.
- 4 • To clear bacteriological contamination from the well and distribution system,  
5 the Water Company started 30-day down-hole chlorination of the well and  
6 flushed the distribution system.
- 7 • One (1) out of the five (5) routine bacteriological samples collected from the  
8 distribution system on August 8, 2011, tested positive for total coliform  
9 bacteria and negative for *E.coli* bacteria..
- 10 • A sample collected on August 8, 2011, from Well 01 tested negative for total  
11 coliform bacteria.
- 12 • Five (5) routine bacteriological samples collected from the distribution system  
13 on August 17, 2011, tested negative for total coliform bacteria.
- 14 • A sample collected on August 17, 2011, from Well 01 tested positive for total  
15 coliform bacteria and negative for *E.coli* bacteria.
- 16 • All five (5) routine bacteriological samples collected on August 18, 2011,  
17 tested positive for total coliform bacteria and negative for *E.coli* bacteria.
- 18 • A sample collected on August 18, 2011, from Well 01 also tested positive for  
19 total coliform bacteria and negative for *E.coli* bacteria.
- 20 • **The Water Company failed the total coliform MCL for August 2011**  
21 **[Section 64426.1(b)(2), *Authorities*].**
- 22 • **The Department has no record of receiving notification from the Water**  
23 **Company or its agents of the total coliform MCL violation for August**  
24 **2011. The Department became aware of the August 2011 total coliform**  
25 **MCL failure upon receipt of lab results in the mail [Section 64426(b)(1),**  
26 ***Authorities*].**

- 1       • The Water Company was unsuccessful in getting two consecutive rounds of  
2       total coliform negative samples in August 2011, from the distribution system  
3       and Well 01. As such, the Department did not cancel the July 29, 2011 Boil  
4       Water Notice. The Boil Water Notice remained in effect throughout August  
5       2011 [Section 64463.1, *Authorities*].
- 6       • **The Water Company was required to collect five (5) routine samples in**  
7       **September 2011, but did not collect any routine sample in September 2011**  
8       **[Section 64424(d), *Authorities*].**
- 9       • One (1) sample collected on September 20, 2011, from Well 01 tested positive  
10      for total coliform bacteria and negative for *E.coli* bacteria.
- 11      • One (1) source sample collected on October 3, 2011, from Well 01 tested  
12      negative for total coliform bacteria.
- 13      • Three (3) out of five (5) routine bacteriological quality samples collected on  
14      October 24, 2011, from the distribution system tested positive for total  
15      coliform bacteria.
- 16      • None of the bacteriological quality samples collected from the distribution  
17      system in October 2011 tested positive for *E.coli* bacteria.
- 18      • **Old River Mutual Water Company failed the total coliform MCL for**  
19      **October 2011 [Section 64426.1(b)(2), *Authorities*].**
- 20      • **The Department has no record of receiving notification from the Water**  
21      **Company or its agents of the total coliform MCL violation for October**  
22      **2011. The Department became aware of the October 2011 total coliform**  
23      **MCL failure upon receipt of lab results in the mail [Section 64426(b)(1),**  
24      ***Authorities*].**

- 1 • To date, the Department has not received a completed investigation report
- 2 in response to the October 2011 total coliform MCL failure [Section
- 3 64426(b)(2), *Authorities*].
- 4 • Five (5) routine samples were collected on November 17, 2011, following the
- 5 October 2011 total coliform MCL violation. All five (5) samples tested
- 6 negative for total coliform bacteria.
- 7 • A sample collected on November 17, 2011, from Well 01 tested negative for
- 8 total coliform bacteria.
- 9 • Five (5) routine samples collected on December 12, 2011, tested negative for
- 10 total coliform bacteria.
- 11 • One (1) bacteriological sample collected on January 10, 2012, from Well 01
- 12 tested negative for total coliform bacteria.
- 13 • As part of the bacteriological well cycle test, the Water Company collected five
- 14 (5) bacteriological samples from Well 01 on January 16, 2012. One (1) out of
- 15 the five (5) samples tested positive for total coliform bacteria and negative for
- 16 *E.coli* bacteria.
- 17 • One (1) routine distribution system sample collected on January 16, 2012,
- 18 tested positive for total coliform bacteria.
- 19 • The Water Company failed to collect any of the required repeat samples
- 20 in January 2012 [Section 64424(a)(2), *Authorities*]. The Department issued
- 21 Enforcement Letter No. 03-19-12E-015 on March 30, 2012.
- 22 • The Water Company did not fail the total coliform MCL in January 2012.
- 23 • The Water Company failed to collect any of the required five (5) routine
- 24 bacteriological samples in February 2012 [Section 64424(d), *Authorities*].
- 25 The Department issued Enforcement Letter No. 03-19-12E-015 on March
- 26 30, 2012.
- 27

- One (1) sample collected on March 6, 2012, from Well 01 tested positive for total coliform bacteria and negative for *E.coli* bacteria.
- One (1) routine distribution system sample collected on March 6, 2012, tested negative for total coliform bacteria.
- All routine distribution and well bacteriological quality samples collected from April 2012 – October 2012 have tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2011 to October 2012 are summarized in **Attachment A**.
- As of writing of this citation, the Water Company has not provided written notification to the Department about the improvements made to the water system, to address total coliform and *E.coli* positive samples from the distribution system and Well 01. As such, the Department has not cancelled the Boil Water Notice issued on July 29, 2011.

#### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public Water Company shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that Water Company:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public Water Company that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

**Section 116650 of the California Health and Safety Code** (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public Water Company is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public Water Company. The citation shall be served upon the public Water Company personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public Water Company fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

**Section 116655 of the CHSC, states in relevant part:**

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month



<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

"(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the Department.

(d) If a public Water Company for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total-coliform positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

(1) The Department conducts site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.

(2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with 64426.1."

CCR, Title 22, Section 64426 establishes the significant rise in bacteriological count and states in relevant part:

"(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or E. coli; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(2) Submit to the Department information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

(A) Current operating procedures that are or could potentially be related to the increase in bacterial count;

(B) Any interruptions in the treatment process;

(C) System pressure loss to less than 5 psi;

(D) Vandalism and/or unauthorized access to facilities;

(E) Physical evidence indicating bacteriological contamination of facilities;

(F) Analytical results of any additional samples collected, including source samples;

(G) Community illness suspected of being waterborne; and

(H) Records of the investigation and any action taken."...

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public Water Company is in violation of the total coliform MCL when any of the following occurs:

(1) For a public Water Company which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public Water Company with collects fewer than 40 samples per month,

more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public Water Company is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the Water Company. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

CCR, Title 22, Section 64463.1 contains the requirements for Tier 1 Public Notice and describes when Tier 1 public notice shall be required, and states in relevant part:

"(a) Each Water Company shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(1) Violation of the total coliform MCL when:

(A) Fecal coliform or E. coli are present in the distribution system, or

(B) When any repeat sample tests positive for coliform and the Water Company fails to test for fecal coliforms or E. coli in the repeat sample;"...

CCR, Title 22, Section 64465 contains the requirements for Public Notice Content and Format and states in relevant part:

"(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following;

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the Water Company is doing to correct the violation or occurrence;

(8) When the Water Company expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the Water Company owner, operator, or designee of the Water Company as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language; "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly... You can do this by posting this public notice in a public place or distributing copies by hand or mail"...

1  
2 **DETERMINATIONS**  
3

4 Based upon the above Statement of Facts and Authorities, the Department determines  
5 that the Water Company has violated the following:  
6

- 7 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water Company  
8 violated the total coliform MCL for July, August, and October 2011 when  
9 more than one sample collected during these months tested positive for total  
10 coliform bacteria.  
11  
12 2. CCR, Title 22, Section 64426.1(c); Specifically, the Water company failed to  
13 notify the Department of the total coliform MCL violation in August 2011 and  
14 October 2011.  
15  
16 3. CCR, Title 22, Section 64426(b)(2); Specifically, the Water Company failed to  
17 submit an investigation report to the Department for the October 2011 total  
18 coliform MCL failure.  
19  
20 4. CCR, Title 22, Section 64424(a); Specifically, the Water Company failed to  
21 collect the required number of repeat samples within 24 hours of notification  
22 by the contract laboratory, during July 2011 and January 2012.  
23  
24 5. CCR, Title 22, Section 64424(d); Specifically, the Water Company failed to  
25 collect at least five (5) routine bacteriological samples in September 2011.  
26  
27

22 The above violations are classified as non-continuing violations.  
23  
24  
25  
26  
27

**DIRECTIVES**

Old River Mutual Water Company is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the CHSC and Sections 64424(a), 64424(d), 64426(b)(2), 64426.1(b)(2), and 64426.1(c) of Title 22, California Code of Regulations (CCR).
2. In the future, the Water Company shall collect the required number of four (4) repeat samples within 24 hours of receipt of notification from its contract laboratory.
3. In the future, whenever a routine total coliform positive sample is collected from the distribution system, the following month, five (5) routine distribution samples shall be collected. If all samples are negative for total coliform, the Water Company may return to its normal sampling schedule.
4. In the future, the Water Company shall notify the Department of the total coliform MCL violation(s) within 24 hours of the determination of the violation(s).
5. By January 4, 2013, the Water Company shall submit a completed investigation report (**Attachment B**) for the October 2011 total coliform MCL violation.
6. By January 4, 2013, the Water Company shall submit a written response indicating the corrective actions taken or planned to be taken to prevent future violations of the total coliform rule. The Water Company shall return to

1 compliance with the violations described herein and shall submit a written  
2 response outlining the steps taken to return to compliance and discontinue the  
3 activities that led to these violations.

4  
5 7. Notify the Department within five business days of the date of service of this  
6 Citation if the deadlines established by this Citation will not be met and  
7 explain, in writing, the reason(s) for delay(s).

8  
9 8. The Water Company shall reimburse the Department, in accordance with an  
10 invoice that shall be provided to the Water Company, the costs for enforcement  
11 activities, and such reimbursement shall be made prior to September 1 (or by a  
12 different date if specified by the Department) of the fiscal year following the  
13 fiscal year in which such costs are incurred as described in CHSC Section  
14 116577(a)(1-2) and 116577(b).

15  
16 9. In the future, the Water Company shall comply with the Ground Water Rule  
17 requirements by collecting source sample(s) in follow-up to a routine total  
18 coliform positive sample.

19  
20 10. Any document requested by the citation shall be submitted to the following  
21 address:

22 Tricia A Wathen, P.E., Senior Sanitary Engineer  
23 Visalia District  
24 Department of Public Health  
25 Southern California Branch  
26 Drinking Water Field Operations  
27 265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704  
Phone: (559) 447-3300  
Fax: (559) 447-3304

**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon Old River Mutual Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and Old River Mutual Water Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTY**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred

1 dollars)for each day that the violation continues beyond the date set for correction in  
2 this Citation.

3  
4 The Department does not waive any further enforcement action by issuance of this  
5 citation, and expressly reserves the right to issue a citation with penalties for the  
6 violations on which the Directives of this citation are based.

7  
8  
9 Dec. 14, 2012  
10 Date

Jaswinder Mahiwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Tehachapi District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

11  
12  
13  
14 Attachments:

15 Attachment A: Bacteriological Summary January 2011 through October 2012  
16 Attachment B: Investigation Form for Total Coliform Failures

17 cc: Kern County Environmental Health Services Department (w/o attachments)  
18 McMor Chlorination, Inc.



## **Attachment A**

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# Old River Mutual Water Company

1500096

Distribution System Freq: 1/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/3/2011	7:00	9816 Par St.	A	A		Routine			
2/1/2011	7:00	9808 Par St	A	A		Routine			
3/2/2011	8:00	9808 Old River Rd	A	A		Routine			
4/1/2011	11:00	9800 Old River Rd	P	A		Routine			
4/7/2011	8:10	9800 Old River Rd	A	A		Repeat	0		
4/7/2011	8:30	9721 Par St	A	A		Repeat	0		
4/7/2011	8:40	9716 Par St.	A	A		Repeat	0		
5/2/2011	12:00	9808 Old River Rd	A	A		Routine		MR4	Enforcement letter 03-19-11E-034 issued 10/14/11.
6/30/2011	9:55	9800 Old River	A	A		Routine			
7/26/2011	11:50	9805 Par	P	A		Routine			
7/28/2011	9:01	2ROU	P	A		Repeat		MCL	Incorrect # of repeat samples collected, will be mentioned in TCRMCL Citation.
8/2/2011	8:50	1ROU	P	A		Special			
8/2/2011	10:01	3ROU	P	P		Special			
8/2/2011	10:56	2ROU	P	A		Special			
8/8/2011	15:38	1ROU	A	A		Routine			
8/8/2011	15:55	1REP1	A	A		Routine			
8/8/2011	16:02	2ROU	A	A		Routine			
8/8/2011	16:13	3ROU	A	A		Routine			
8/8/2011	16:23	4ROU	P	A		Routine			
8/17/2011	8:56	9713 Par	A	A		Routine			
8/17/2011	9:07	9721 Par	A	A		Routine			
8/17/2011	9:25	9812 Par	A	A		Routine			
8/17/2011	9:44	9800 Par	A	A		Routine			
8/17/2011	10:12	9800 Old River Ro	A	A		Routine			
8/18/2011	15:00	9800 Par	P	A		Routine		MCL	Citation will be issued.
8/18/2011	15:04	9812 Par	P	A		Routine			
8/18/2011	15:14	9721 Par	P	A		Routine			
8/18/2011	15:20	9713 Par	P	A		Routine			
8/18/2011	15:34	9800 Old River Rd	P	A		Routine			
9/1/2011		No Sample						MR4	will be mentioned in citation
10/24/2011	8:43	4ROU	P	A		Routine		MCL	Citation will be issued
10/24/2011	8:50	3ROU	P	A		Routine			
10/24/2011	9:02	2ROU	A	A		Routine			

## **Attachment B**

# **POSITIVE TOTAL COLIFORM INVESTIGATION** **Simple Well with Pressure Tank Systems**

This form is intended to assist public water systems in completing the investigation required by the California Department of Public Health (Section 64426(b) of Title 22, California Code of Regulations) and may be modified to take into account conditions unique to the system.

## **ADMINISTRATIVE INFORMATION**

<b>PWS Name:</b>	<b>PWSID NUMBER:</b>
<b>Name</b>	<b>Address</b>
<b>Operator in Responsible Charge (ORC)</b>	<b>Telephone #</b>
<b>Person that collected TC samples if different than ORC</b>	
<b>Owner</b>	
<b>Certified Laboratory for Microbiological Analyses</b>	
<b>Date Investigation Completed:</b>	
<b>Name of Month(s) and Year of Total Coliform MCL Failure:</b>	

## **INVESTIGATION DETAILS**

SOURCE	WELL	WELL	WELL	WELL	COMMENTS
	(name)	(name)	(name)	(name)	
1. Inspect each well head for physical defects and report					
a. Is raw water sample tap upstream from point of disinfection?					
b. Is wellhead vent pipe screened?					
c. Is wellhead seal watertight?					
d. Is well head located in pit or is any piping from the wellhead submerged?					
e. Does the ground surface slope towards well head?					
f. Is there evidence of standing water near the wellhead?					
g. Are there any connections to the raw water piping that could be cross connections? (describe all connections in comments)					
h. Is the wellhead secured to prevent unauthorized access?					
i. To what treatment plant (name) does this well pump?					
j. How often do you take a raw water total coliform (TC) test?					
k. Provide the date and result of the last TC test at this location					

## **DISTRIBUTION SYSTEM**

## **SYSTEM RESPONSES**

1. What is the minimum pressure you are maintaining in the distribution system?
2. Did pressure in the distribution system drop to less than 5 psi prior to experiencing the TCR positive finding?

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
10/24/2011	9:08	1ROU	A	A		Routine			
10/24/2011	9:55	5ROU	P	A		Routine			
11/17/2011	13:14	2ROU	A	A		Routine			
11/17/2011	13:22	3ROU	A	A		Routine			
11/17/2011	13:30	4ROU	A	A		Routine			
11/17/2011	13:36	5ROU	A	A		Routine			
12/12/2011	11:30	1ROU	A	A		Routine			
12/12/2011	11:34	2ROU	A	A		Routine			
12/12/2011	11:39	3ROU	A	A		Routine			
12/12/2011	11:42	4ROU	A	A		Routine			
12/12/2011	11:50	5ROU	A	A		Routine			
1/16/2012	9:16	1ROU	P	A		Routine			
1/31/2012		No Repeats						MR5	Enforcement Letter 03-19-12E-015 issued March 30, 2012.
2/29/2012		No Routines						MR4	Enforcement Letter 03-19-12E-015 issued March 30, 2012.
3/6/2012	9:42	2ROU	A	A		Routine			
4/17/2012	8:30	4ROU	A	A		Routine			
5/22/2012	7:47	5ROU	A	A		Routine			
6/12/2012	8:32	1ROU	A	A		Routine			
7/17/2012	8:40	2ROU	A	A		Routine			
8/7/2012	10:00	3ROU	A	A		Routine			
9/18/2012	9:17	4ROU	A	A		Routine			
10/16/2012	8:24	5ROU	A	A		Routine			

# Old River Mutual Water Company

1500096

Source Monitoring Freq:

Sample Date	Time	Source	T Coli	E Coli	F Coli	Violation	Comment
4/7/2011	8:00	Well	<1.1	<1.1			
7/28/2011	9:01	Well Discharge	17	2.0			
8/8/2011	15:45	001	<1.1	<1.1			
8/17/2011	9:46	Well Discharge	1.0	<1			
8/18/2011	14:41	Well Discharge	1.0	<1			
9/20/2011	10:18	Well Discharge	4.2	<1			
10/3/2011	11:23	001	<1.1	<1.1			
11/17/2011	13:38	Well 001	<1.1	<1.1			
1/10/2012	11:27	Well	<1	<1			
1/16/2012	8:52	Well 001	1.0	<1			Startup
1/16/2012	8:53	Well 001	<1	<1			1-Min
1/16/2012	8:57	Well 001	<1	<1			5-min
1/16/2012	9:07	Well 001	<1	<1			15-Min
1/16/2012	9:22	Well 001	<1	<1			30-Min
3/6/2012	9:35	Well Discharge	1.1	<1.1			
9/18/2012	9:10	001	<1.1	<1.1			

# POSITIVE TOTAL COLIFORM INVESTIGATION

Page 2 of 3

DISTRIBUTION SYSTEM	SYSTEM RESPONSES
3. Has the distribution system been worked on within the last week? (service taps, hydrant flushing, main breaks, main extensions, etc.) If yes, provide details.	
4. Are there any signs of excavations near your distribution system not under the direct control of your maintenance staff?	
5. Did you inspect your distribution system to check for mainline leaks? Do you or did you have a mainline leak?	
6. If there was a mainline leak, when was it repaired?	
7. On what date was the distribution system last flushed?	
8. Is there a written flushing procedure you can provide for our review?	
9. Do you have an active cross connection control program?	
10. What is name and phone number of your Cross-Connection Control Program Coordinator?	
11. Is the review and testing of backflow prevention devices current?	
12. On what date was the last physical survey of the system done to identify cross-connections?	

SAMPLE SITE EVALUATION (Complete for all TC+ or EC+ findings)	Routine Site TC+ or EC+	Upstream Site	Downstream Site	Sample 4 (specify)
1. What is the height of the sample tap above grade? (inches)				
2. Is the sample tap located in an exterior location or is it protected by an enclosure?				
3. Is the sample tap threaded, have a swing arm (kitchen sink) or aerator (sinks)?				
4. Is the sample tap in good condition, free of leaks around the stem or packing?				
5. Can the sample tap be adjusted to the point where a good laminar flow can be achieved without excessive splash?				
6. Is the sample tap and area around the sample tap clean and dry (free of animal droppings, other contaminants or spray irrigation systems)				
7. Is the area around the sample tap free of excessive vegetation or other impediments to sample collection?				
8. Describe how the tap was treated in preparation for sample collection (ran water, swabbed with disinfectant, flamed, etc.)				
9. Is this sample tap designated on the sampling plan submitted with this information request?				
10. What were the weather conditions at the time of the positive sample (rainy, windy, sunny),				

## POSITIVE TOTAL COLIFORM INVESTIGATION

Page 3 of 3

GENERAL OPERATIONS:	
Response	
1. Where there any power outages that affected water system facilities during the 30 days prior to the TC+ or EC + findings?	
2. Where there any main breaks, water outages, or low pressure reported in the service area where TC+ or EC+ samples were located.	
3. Does the system have backup power or elevated storage?	
4. During or soon after bacteriological quality problems, did you receive any complaints of any customers' illness suspected of being waterborne? How many?	
5. What were the symptoms of illness if you received complaints about customers being sick?	

## ADDITIONAL INFORMATION TO BE SUBMITTED WITH RESPONSES TO THE ABOVE QUESTIONS

1. Sketch of System showing all sources, treatment locations, storage tanks, microbiological sampling sites and general layout of the distribution system including the location of all hazardous connections such as the wastewater treatment facility.
2. A set of photographs of the well, pressure tanks, and storage tanks in the system may be submitted if they would show that the contamination is directly related and changes have been made since the last inspection by our Department
3. Name, certification level and certificate number of the Operator in Responsible Charge.
4. Copy of the last cross connection survey performed that identifies the location of all unprotected cross connections.

**SUMMARY:** BASED ON THE RESULTS OF YOUR INVESTIGATION AND ANY OTHER INFORMATION AT YOUR DISPOSAL, WHAT DO YOU BELIEVE TO BE THE CAUSE OF THE POSITIVE TOTAL COLIFORM SAMPLES FROM YOUR PUBLIC WATER SYSTEM?

**CERTIFICATION:** I CERTIFY THAT THE INFORMATION SUBMITTED IN RESPONSE TO THE QUESTIONS ABOVE IS ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_



## BOIL WATER ORDER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

**Old River Mutual Water Company's water  
is contaminated with *E. coli* bacteria**

**BOIL YOUR WATER BEFORE USING**

*E. coli* bacteria were found in the water supply on July 2, 2013. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

### What should I do?

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- *Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems. The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.*
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1(800) 426-4791.

### What happened? What is being done?

We are collecting additional bacteriological samples and will disinfect the well and distribution system. This has been an on-going problem since 2011. You will be informed when the problem has been corrected. In the meantime, please continue to boil your water until further notice.

For more information, please contact Dennis Gaston with McMor Chlorination at (661) 323-9300 or the CA Dept. of Public Health – Drinking Water Program at (559) 447-3300.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

This notice is being sent to you by McMor Chlorination on behalf of the Old River MWC. McMor Chlorination is the contract operator for the Old River Mutual Water Company Water System.

Date Issued: \_\_\_\_\_

**PROOF OF NOTIFICATION**  
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Old River Mutual Water Company** of the failure to comply with the Total Coliform Rule for the:

Circle one: 1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>      4<sup>th</sup>      quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_  
(date)

To summarize report delivery used and good-faith efforts used, please check all items below that apply and fill-in where appropriate:

☐ The notice was distributed by direct delivery to each customer served by the water system.

☐ The notice was distributed by mail delivery to each customer served by the water system.

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery (renters, nursing home patients, prison inmates, etc.): \_\_\_\_\_

☐ Posted the notice at the following conspicuous locations served by the water system (if needed, please attach a list of locations). \_\_\_\_\_

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www. \_\_\_\_\_

☐ Other method used to notify customers. \_\_\_\_\_

**DISCLOSURE:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Certified by: Name \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Due to the Dept. of Public Health within 10 days of notification to the public  
Enforcement Action No.: 03-19-12C-044

**STATE OF CALIFORNIA**  
**APPLICATION**  
**FOR**  
**DOMESTIC WATER SUPPLY PERMIT AMENDMENT**  
**FROM**

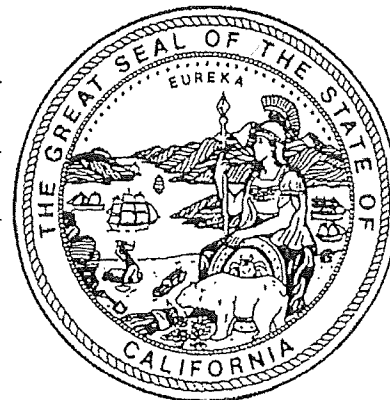
Applicant: \_\_\_\_\_  
 (Enter the name of legal owner, person(s) or organization)

Address: \_\_\_\_\_

System Name: \_\_\_\_\_

System Number: \_\_\_\_\_

TO: Department of Public Health  
 Southern California Branch  
 Drinking Water Field Operations  
 Visalia District Office  
 265 W. Bullard Avenue, Suite 101  
 Fresno, California, 93704



Pursuant and subject to the requirements of the California Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 7, Section 116550, relating to changes requiring an amended permit, application is hereby made to amend an existing water supply permit to \_\_\_\_\_

(Applicant must state specifically what is being applied for - whether to construct

new works, make alterations or additions in works or sources, or change or modify treatment.)

I (We) declare under penalty of perjury that the statements on this application and on the accompanying attachments are correct to my (our) knowledge and that I (we) are acting under authority and direction of the responsible legal entity under whose name this application is made.

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Dated: \_\_\_\_\_

DDW 09/2008

